

Minutes of the Planning Commission meeting held on Thursday, July 18, 2019, at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Travis Nay
Scot Woodbury
Phil Markham
Maren Patterson
Lisa Milkavich
Jared Hall, Community Development Supervisor
Zac Smallwood, Associate Planner
Jim McNulty, CED Manager
Briant Farnsworth, Deputy City Attorney
Citizens

Excused: Ned Hacker, Chair
Sue Wilson, Vice Chair

The Staff Review meeting was held from 6:00 p.m. to 6:30 p.m. The Planning Commission members briefly reviewed the applications on the agenda. An audio recording is available at the Murray City Community and Economic Development Division Office.

Mr. Markham made a motion that Travis Nay serve as acting Chairman for this meeting.

Seconded by Mr. Woodbury.

Call vote recorded by Mr. Hall.

A Phil Markham
A Scot Woodbury
A Maren Patterson
A Lisa Milkavich
A Travis Nay

Motion passed 5-0

Travis Nay opened the meeting and welcomed those present. He reviewed the public meeting rules and procedures.

APPROVAL OF MINUTES

Mr. Woodbury made a motion to approve the minutes from the June 20, 2019 Planning Commission meeting. Seconded by Ms. Milkavich.

A voice vote was made, motion passed 5-0.

CONFLICT OF INTEREST

There were no conflicts of interest.

APPROVAL OF FINDINGS OF FACT

Mr. Markham made a motion to approve the Findings of Fact for the Ruben Accessory Dwelling Unit. Seconded by Ms. Patterson.

A voice vote was made, motion passed 5-0.

RYAN STOCK – 305 East 6340 South - Project #19-084

Ryan and Melissa Stock were the applicants present to represent this request. Zac Smallwood reviewed the location and request to allow an Accessory Dwelling Unit (ADU) in the R-1-8 Zone on the property located at 305 East 6340 South. Mr. Smallwood explained that a single-family home was located on an 8,712 square foot (sq. ft.) lot. Mr. Smallwood explained that in the past the City would allow the property owners to determine the location of their front and rear lot lines. As a result, the property's "front" yard is actually the corner side yard, the "corner side" yard is actually the front yard, the "interior side" yard is the rear yard and the "rear" yard is the interior side yard. Staff measured the setbacks and found that the property meets the standards of the R-1-8 Zone. The dwelling measures 1,750 sq. ft. and the proposed ADU is 627 sq. ft. with one bedroom. Staff conducted a site visit to the home to verify the accuracy of the bathroom measurement on the site plan shown as 3' 8" and observed that the bathroom is larger than noted on the site plan. The home has a walk-out basement located to the rear of the property. Of note, condition number 12 states that temporary rentals are not allowed. Based on the analysis of the submitted materials and Land Use Ordinance standards, Staff has determined that the proposed Accessory Dwelling Unit meets the Design Standards in Section 17.78 of the Murray City Land Use Ordinance pertaining to Accessory Dwelling Units as well as the requirements of the R-1-8 Zone and recommends that the Planning Commission approve a Conditional Use Permit subject to the conditions as outlined in the Staff Report.

Mr. Markham asked if any comment from neighbors have been received. Mr. Smallwood stated that he received a call from the neighbor to the east and that she had general questions and she also expressed that she was glad that short-term rentals are not allowed.

Ryan and Melissa Stock, 305 East 6340 South, stated that they are both familiar with the conditions of approval and will be able to comply.

The meeting was opened for public comment.

Karen Thorn, 315 East 6340 South, stated she is the neighbor to the east that previously called, and she wondered if the residence is owner occupied. Mr. Nay replied that the home is required to be owner occupied to qualify as an ADU. Ms. Thorn asked if Murray City is considering changing the rule about being owner occupied. Mr. Markham replied that the Planning Commission does not make rules such as this but is aware that there are not any proposed changes to the rule presently.

The public comment portion for this item was closed.

Mr. Patterson made a motion to approve a Conditional Use Permit to allow an Accessory Dwelling Unit (ADU) on the property located at 305 East 6340 South subject to the following conditions:

1. The project shall comply with all applicable building and fire code standards.
2. Interconnected smoke detectors and CO sensors shall be provided throughout the house.
3. Separately controlled heating shall be provided for each area, such as base board heating, a dual zone furnace, etc.

4. Access from the ADU to a circuit breaker panel shall be provided.
5. Appropriate egress windows and window wells shall be provided.
6. The applicant will obtain Murray City Building Permits for any new work needed in conjunction with the ADU.
7. Inspections by the Murray City Building Division will be required prior to occupancy of the ADU and will include general inspection of the items mentioned in the Staff Report.
8. The proposed Accessory Dwelling Unit shall comply with all applicable ordinance standards outlined in Chapter 17.78.
9. The ADU shall be occupied by no more than two (2) related or unrelated adults and their children.
10. The property owner shall complete and record with the Salt Lake County Recorder's Office, the Accessory Dwelling Unit – Owner Occupancy Affidavit (Provided by Community & Economic Development). A copy of the recorded document shall be provided to the Murray City Community and Economic Development Division prior to occupancy of the ADU.
11. The property owners shall obtain a rental business license from Murray City prior to allowing occupancy of the ADU. Rental of the ADU must meet the requirements of the Murray City Land Use Ordinance.
12. Temporary Rentals are not allowed; neither the Primary nor Accessory Dwelling Unit may be used as temporary rentals such as an Air B&B or VRBO.

Seconded by Ms. Milkavich.

Call vote recorded by Mr. Smallwood.

 A Maren Patterson
 A Lisa Milkavich
 A Scot Woodbury
 A Phil Markham
 A Travis Nay

Motion passed 5-0

RODERICK ENTERPRISES– 5920 South Fashion Blvd. – Project # 19-077 & 19-078

Michael Roderick was the applicant present to represent this request. Zac Smallwood reviewed the location and request for the Future Land Use Map amendment change from a designation of Office to Professional Office. The requested Zoning Map amendments are from C-D, Commercial Development and G-O, General Office designations to P-O, Professional Office. Mr. Smallwood explained that the subject property has two different zones. The north portion is zoned G-O and the south portion is C-D. Sometime between October 2018, and January 2019, the 7 parcels that encompassed this area were combined by a lot consolidation that did not pass through the City process, and then they were recorded as combined property with the Salt

Lake County Recorder. The unofficial combination of the subject parcels has resulted in two different zones on one piece of property and will be addressed in tonight's meeting. Currently the General Plan indicates this area is designated as Office, and the proposed change is to Professional Office. Staff has determined it to be a natural progression of the existing nearby P-O Zone, which would allow primarily office uses with some Conditional Uses for restaurants, schools, and entertainment. A building in this zone could be a maximum height of 35' if located within 100' of residential zoning, and 50' maximum if setback from residential zoning >100'. The subject property has abutting homes to the west and if the property were to be developed by P-O Zone standards then a 10 ft. buffer and a 6 ft. masonry fence would be required between the two uses. Based on the background, analysis, and the findings in this report, Staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the requested amendment to the Future Land Use Map and the Zoning Map designations.

Michael Roderick, 1214 East Vine Street, stated his changes are necessary because he wants to be consistent with whatever IHC and the University of Utah are doing in the area because the subject property is located in the middle of both. Mr. Roderick further explained that the initial plan was to build a corporate office for himself but there was interest from the medical community and the plan changed.

The meeting was opened for public comment.

Kim Kimball, 6998 Gillen Lane, stated that last year a proposal was heard by the Planning Commission to build a dental office in this area and they were told no, due to the increase in traffic. Mr. Kimball expressed concern that allowing the P-O Zoning would allow buildings with increased heights which would also increase traffic impacts around McMillian Elementary School nearby. Mr. Kimball asked where the parking lot of the future buildings will be located. Mr. Nay stated that specific details about the location of any potential development can't be speculated on because there are no formal development plans before us.

Janet Hill, 5970 South Afton Avenue, stated she went to the Murray City website and it stated, "that the purpose of zoning is to provide adequate open space for light and air and to prevent overcrowding of land". Ms. Hill stated that she also referenced the Future Land Use Map on the Murray City website and that it designates this area as Office Space, and she believes this zoning was thought out well. Ms. Hill added that she believes a two-story building is more consistent with other buildings in the area, with the exception of the three-story buildings towards the mall and she wishes to keep a zone more consistent with two story buildings. Ms. Hill also expressed her dislike for the way the Public Notice was announced because she did not receive a notice and believes she lives within the distance to be part of the mailing list for this agenda item. Ms. Hill also stated that the notice says the applicant shall be responsible for posting notification signage on the subject property in advance of the scheduled meeting, which she does not believe was done.

Shirlene Lundskog, 5951 South 200 East, stated her son also has a property on Gillen Lane and that this proposed zone change is abutting both of the properties. Ms. Lundskog stated that she and her son are concerned that there will be a rise in property tax as well as the height of the building.

The public comment portion for this agenda item was closed.

Mr. Nay asked if Mr. Smallwood could add clarity to the public comment about an application for a Dental Office that was denied for rezone by the City. Mr. Smallwood answered that the application for a dental office was not for this property, instead it was much further down Fashion Blvd. and that it was proposed on a residentially zoned property. Mr. Nay also recalled that traffic was not the reason for denial of the rezone. Mr. McNulty added that the application was

for Smith Family Dental and the City Council chose not to grant the rezoning because of the impact to the neighborhood that was all around it and to protect and stabilize the existing R-1-8 Zone. Mr. McNulty stated that the P-O Zone was adopted by City Council in July of 2018. Ms. Milkavich asked if there were multiple discussions about the Smith Family Dental application. Mr. McNulty replied yes, and one group of people was in favor of the proposal and one group was opposed to the proposal. Minutes for both meetings are posted on the internet for public reference. Ms. Patterson asked if the Smith Family Dental application was proposed for the same property in tonight's application. Mr. McNulty replied no, they are completely different properties and different zones.

Mr. Smallwood addressed public comments and stated that he speculates if a building were to be built on this property that it may be situated closer to McMillian Elementary rather than a parking lot. Mr. Smallwood also stated that the current zones and the proposed zone have many similarities and allowances, but the P-O Zone has the capability to give more control over what can be developed on this property than the current zones do. Mr. Smallwood stated that he recalls there being several three or four-story buildings located in the Tosh area as well as on the U of U's new campus to the south. Staff believes that this use would be consistent with those buildings. Mr. Smallwood stated that in addition to mailing Public Notices to residents within a 300 ft. radius, the City also posts notices on the Utah State Public noticing website. Mr. Nay commented that the resident who expressed concerns about not receiving a notice was present at tonight's Public Hearing and was somehow notified. Mr. Smallwood stated that he conducted a site visit to the property but did not recall if the sign was posted and that the City requires the sign to be posted 10 days prior to the Public Hearing and it is the applicant's responsibility to do so. Mr. McNulty added that City Staff gave the sign to the applicant with instruction to post it and that the noticing in which the City uses is effective, as can be seen because we have a full chamber of residents in attendance. Mr. McNulty added that the City also posts notices in public places in City Hall, on the Murray City website as well as the State website so that we meet all State Code Statutes on noticing requirements.

Mr. Smallwood addressed the concern about raising taxes of the surrounding properties and stated that if property tax rates change that they would only affect the single property owner of the subject property and not a neighboring property. Ms. Milkavich pointed out that the City does not have any control over property taxes because taxing is governed by the County Tax Assessors. Ms. Patterson stated that she is aware that the P-O Zone was only recently created therefore, it was not incorporated into the General Plan when it was adopted and wondered if the P-O Zone was in existence when the General Plan was adopted, is it possible that this area would have been zoned P-O. Mr. Smallwood stated that the P-O Zone was created by the City and it was based off the designation of the General Office Land Use Designation. Looking over the past couple of years, the U of U building built nearby supports the thought that this area is a good fit for the P-O Zone. Mr. McNulty stated that the General Plan adoption took two years and that the City tried to look at each area and make a recommendation. The P-O Zone makes sense here because it abuts an existing Professional Office Zone on the General Plan Land Use Map.

Mr. Nay asked Mr. Roderick where he posted the notice. Mr. Roderick stated that he originally, he posted the notice on 300 East, but it was torn down a few times, so it was moved to the south part of the property by Fashion Blvd. that abuts the property and believes the sign is still there. Mr. Roderick added that his company has been located in Murray since the 1950's and he loves Murray City dearly and hopes to keep his company headquarters here. Mr. Roderick added that his company was involved in the original development of the Fashion Place Mall and more recently the Fashion Plaza Shopping Center to the South and the adjacent office park where the University of Utah is now located. He stated that Roderick enterprises is involved in building long-term, quality projects that benefit the community.

Phil Markham made a motion to forward a recommendation of approval to the City Council for the requested amendment to the General Plan of the property located at 5920 South Fashion Boulevard from Office to Professional Office.

Seconded by Scot Woodbury.

Call vote recorded by Mr. Smallwood.

 A Phil Markham
 A Scot Woodbury
 A Maren Patterson
 A Lisa Milkavich
 A Travis Nay

Motion passed 5-0

Maren Patterson made a motion to forward a recommendation of approval to the City Council for the requested amendment to the Zoning Map designation for the property located at 5920 South Fashion Boulevard from C-D, Commercial Development and G-O, General Office to P-O, Professional Office.

Seconded by Phil Markham.

Call vote recorded by Mr. Smallwood.

 A Maren Patterson
 A Phil Markham
 A Scot Woodbury
 A Lisa Milkavich
 A Travis Nay

Motion passed 5-0

Mr. Nay added for the benefit of those in attendance that if an application is submitted to the City for the development of the site it will also be brought before the Planning Commission in a public meeting and there will be an opportunity for future thoughts and concerns to be heard. Mr. Woodbury added that this agenda item will be forwarded to the City Council for Public Hearing and that there will be an opportunity to speak at that time as well. This is only the first part of the process, and the City Council is the second part. Any potential future projects will come to Planning Commission in a public meeting.

KIMBALL ASSOCIATES – 4670 South 900 East – Project #19-086 & 19-087

David Kimball was the applicant present to represent this request. Jared Hall reviewed the location and request for amendments to the Future Land Use Map from a designation of General Commercial to a designation of Mixed Use. The applicant proposes to amend the General Plan and Zoning Map in preparation to apply for a new Mixed-Use development on the property which would include multi-family housing units and horizontal commercial development along 900 East. The requested Zoning Map amendment is from a designation of C-D, Commercial Development, to M-U, Mixed Use for the subject property generally known as the old K-Mart site. This area is an arm of the City, the east, west, and most of the north property's border Millcreek City. The site is 10.5 acres within the C-D Zone and borders the Ivy Place Shopping Center to the south and Cube Smart building to the north. Most of the site is a parking lot with

a few pad businesses such as Meineke and Java Hut and the large, empty K-Mart building. There is an easement that runs across the property that they share with Ivy Place for access that goes into the west neighborhood located in Millcreek. City Staff received phone calls from residents concerned if the access would stay open or not. City Staff is not aware if it will stay open at this time because the decision will be made by the Engineering Division as development plans come in and are reviewed. Staff will be looking into the history and use of the easement over the past years to make a determination as to whether it is a legally recorded easement. As of now, Staff does not have any site plans for a development and cannot answer questions accurately about possible future development. The General Plan's purpose statement designates higher density, and multi-family housing as a component of new commercial developments. There are a mix of uses in the area such as single and Multi-Family Residential, storage units, commercial, and office. Staff supports the proposed Mixed-Use Zoning and finds it is supported within policies and objectives of the 2017 Murray City General Plan. Based on the background, analysis, and the findings in this report, Staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the requested amendments to the Murray City Future Land Use Map and Zoning Map for the subject property.

David Kimball, 1000 South Main Street, SLC, stated he believes that the zone change should be considered because big box stores are becoming non-existent and the proposed Mixed-Use development will have commercial pad-sites on 900 East with some residential behind, and would be a very good use. With access from 900 East and Van Winkle the traffic can be carried well through the area and the project will enhance the City as well.

Mr. Markham asked if this zone change and development were to be approved what is the time frame in which it would be completed and how far along is the plan conceptually. Mr. Kimball stated that they do not have a site plan ready as of yet, but once it is drafted, they will bring it in for review and if the City grants approval, they would like to start building immediately, weather permitting.

The meeting was opened for public comment.

Kathleen Ayala, 739 Tina Way, stated she is concerned about traffic because of the proposed high-density residential use. The roads nearby are accident prone, have blind spots and reduce to single lanes. Ms. Ayala feels that Ivy Place is her community and does not want it taken away. Mr. Nay clarified that Ivy Place is not in consideration and is staying. Ms. Ayala stated that she does not want the access easement taken away because her neighborhood would be in a pocket of Millcreek surrounded by Murray City and cut off from the community.

Lloyd Enomoto, 4628 South Green Valley Drive, stated that he has lived here since 1963 and that he believes that the easement through the K-Mart site was to be kept when it was originally built. If the easement is blocked, the neighborhood will only have one access out with a right-turn only. Mr. Enomoto stated that he is concerned that emergency access vehicles will have problems finding the neighborhood and believes the high-density housing does not fit within the community but would consider a lower density housing.

Julie Clements, 4637 South Namba Way, stated that she contacted a title company and had a title search run on the address of 4670 South 900 East, and it was found that there is not an easement on record for a cross access easement or roadway easement. However, they did find a reciprocal agreement on file.

David Murphy, 809 East 4680 South, stated he is not against a commercial use abutting his property but is concerned because there are 17 apartment complexes within a 3-mile radius of his home and wondered why we need another. Mr. Murphy is concerned with the depreciation

of his home, the height of a future residential building, privacy, environmental impact on the nearby creek, and water and sewer infrastructure.

Saundra Gary, 4687 Namba Way, stated she agrees with everything everybody else has said and also has concerns about crime. Ms. Gary stated the letter she received was dated July 5th and she wondered who works on the 5th of July and would be paying attention to mail on the 5th of July because she wasn't, and she did not open her mail until a few days ago and found the notice. Ms. Gary added that it was a scramble for her to talk to all the neighbors, and when she did talk to them, they were all against the change. Ms. Gary suggested that an urban park be built here and is concerned that property value will decrease.

Marion Gary, 4687 Namba Way, stated that he believes when he purchased his property from the developers of the property that he was aware that the developers fought very hard to get the easement and it is tied to the properties in the area. The easement is important because it is used by emergency vehicles.

Donya Taghipour, 4642 S Zenia Meadows Ct., stated her property is behind the K-Mark building and she had seen people engaging in lewd behavior and drug use and believes that if a park is built here that people will only have a more comfortable place to engage in these crimes and hopes that something will be done to stop the crime.

Jeff Childs, 4617 Namba Way, asked what density is proposed for the area and will it be like Sugar House with retail on the bottom floor and residential above.

Christopher Watson, 4637 South Green Valley Drive, stated he appreciates his neighbors' comments and agrees with the concerns of traffic, easement access, density, and apartments. Mr. Watson stated that he believes that the lack of a full plan showing what would be developed here proves that this zone change is not ready to be voted on and should not move forward. Mr. Watson stated that he believes that it should be within code to disallow a single access out of the neighborhood which limits walkability.

Wendy Fagre, 4705 South Green Valley Drive, stated she agrees with everything that has been said but is concerned that the easement will disappear. Ms. Fagre added that she is not opposed to having some kind of development but does not want apartments and would be ok with lower density.

The public comment portion for this agenda item was closed.

Mr. Hall addressed the public comments and stated that traffic is always a concern with any new development and when a site plan is submitted traffic is addressed by way of a traffic study. The result of the traffic study, how many accesses the site will have and how much commercial uses will be here determining the type of density that will be suitable for this area. The density depends on the constrictions of the site and we don't have enough information to answer that question at this point. Mr. Hall explained that he disagrees with the comment that this proposal is not ready to move forward because the City does not base zone changes on a particular development. The City instead looks at the potentials of the zone which is being requested versus the potentials of the existing zone, then we make the correct decision. Mr. Hall explained that notices were sent not only to people who own property in the area, but also to effected entities which include the sewer improvement district, water and power suppliers and emergency services. Of all the notices we sent to affected entities we did not receive responses from any of the affected entities, they will contact us when it is time to talk about the capacity. Mr. Hall stated that the concern about community is taken very seriously by Planners, and they don't like to see isolated communities, Planners like to connect them. Emergency Services will also be considered during the review process. When a site plan comes forward there will be a

lot of different discussion about whether the connection should stay or go away. The Murray City Planning Commission received emailed communication from a member of the Millcreek City Council who asked that we keep Millcreek in mind when we consider what to do here and Murray City will definitely do that because we want to hear from the Community. Murray City Staff believes that this is a good place to have a Mixed-Use development.

Ms. Patterson stated that she has information included with this agenda item that shows what is allowed to be developed in the current zone which requires a buffer if the abutting use is commercial, but the proposed zone requires a minimum 15% of open space that would help support community, requires wider sidewalks, larger park strips, paved sidewalks with tree wells, street trees and street furniture. It appears the proposed zone is actually a move toward a community-oriented zone.

Mr. Hall stated that as applications come in for future development, notices will be mailed out again and the opportunity to come to the Public Meetings and speak will be available. If there are any concerns people can call Staff and ask questions any time. Mr. Nay stated that all are encouraged and welcomed to attend any future meetings. Mr. Markham stated that if something is not done here, that the future of this site may sit empty and languish just like it is today because the large commercial box stores can't compete with the nearby Walmart. Mr. Hall stated that he has seen large box stores like this get repurposed and carved up into smaller commercial stores and it may never happen because it has been passed up for this use in the years since K-mart has been closed. Mr. Markham addressed the request for a park and stated the he was a Parks and Recreation Manager that retired from Murray City and would like to see a park here, but the City does not have the funds to purchase this property and turn it into a park. Mr. Nay stated that it is unlikely that a private developer would consider funding a park here. Ms. Milkavich added that the City does not own the property and neither does any private citizen and the City is forced to work with private developers unless that changes. Mr. Hall added that the City will still go forward with the zone change and then find out how the easement is or is not relevant to the new zone.

Scot Woodbury made a motion to forward a recommendation of approval to the City Council for the requested amendment to the General Plan Future Land Use Map re-designating the property located at 4670 South 900 East from General Commercial to Mixed Use.

Seconded by Phil Markham.

Call vote recorded by Mr. Hall.

 A Scot Woodbury
 A Phil Markham
 A Maren Patterson
 A Lisa Milkavich
 A Travis Nay

Motion passed 5-0

Scot Woodbury made a motion to forward a recommendation of approval to the City Council for the requested amendment to the Zoning Map designation for the located at 4670 South 900 East from C-D, Commercial Development to M-U, Mixed Use.

Seconded by Maren Patterson.

Call vote recorded by Mr. Hall.

A Scot Woodbury
A Maren Patterson
A Phil Markham
A Lisa Milkavich
A Travis Nay

Motion passed 5-0

Mr. Woodbury thanked everybody for coming out and providing valued comments because it helps Murray City to understand what is needed for this area and it also provides developers with information about what the residents value and the community needs.

SALT LAKE NEIGHBORHOOD HOUSING SERVICES INC. – 871 West Tripp Lane – Project #19-088

Bob Lund was the applicant present to represent this request. Jared Hall reviewed the location and request for an amendment to the Murray City Zoning Map for the subject property from A-1, Agricultural to R-1-8, Single Family Low Density Residential. Mr. Hall stated the subject property is 2.78 acres of mostly undeveloped land except for an older, unoccupied home. The property is currently zoned A-1, the Future Land Use Map calls for this to be low-density residential and the request is for R-1-8. The proposed rezone matches the surrounding area and is consistent with the goals of the General Plan. Mr. Hall explained that because this item is a request for rezone that the City does not have a proposed site plan for any possible development. Without a site plan Staff does not have accurate information about how the access to the property would happen, where the cul-de-sac would be located or if it would go all the way through. Based on the background, analysis, and the findings in this report, Staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the requested amendment to the Zoning Map designation for the property located at 871 West Tripp Lane from A-1, Agricultural to R-1-8, Single Family Low Density Residential.

Bob Lund, 6194 South Crystal Circle, Taylorsville, stated that Neighbor Works purchased the property and would like to develop it into residential lots. Mr. Markham asked if the future homes would be considered as affordable housing. Mr. Lund explained that unfortunately, these would not be considered affordable housing. Neighbor Works is known for purchasing homes and rehabilitating them, but property in Murray is hard to find at an affordable rate to be able to offer them at lower rates. The price point is 80% below the area median income. Mr. McNulty added that H.U.D. requirements have increased to approximately \$390,000.00. Murray City is a partner with Neighbor Works, and we try to provide the opportunity to find properties that are challenged to clean them up and sell them at an affordable rate.

The meeting was opened for public comment.

Bob Toone, 831 West Tripp Lane, asked if the property will be developed into lower income housing. Mr. Nay replied no, this will be market rate housing. Mr. Toone stated that there is a problem with parking due to the school and wondered if there would be additional parking added to the current parking lot that is located behind the baseball field. Mr. McNulty stated that they are good questions, but they are related to the next step in the process which would be the review of any subdivision plat that may be submitted to the City. Neighbor Works is the property owner, but it is likely that they will subdivide the property, record the new plat and sell the lots to other builders at market rate. There will be another opportunity to address questions about the development at a public meeting when we have an application submitted for the development. Mr. Woodbury added that all aspects of any application for development will be reviewed for how it will impact the surrounding area. Mr. McNulty added that the City has a

development review committee that includes about 15 or 16 department representatives that review the applications and provide comments before it can move forward.

Sam Johnson, 917 West Bloomsbury Cove, stated he lives directly west of the subject property and is in support of the rezone and hopes it can be done quickly. Mr. Johnson stated that the subject property is currently a fire hazard.

Jim Livingston, 5859 South Willow Grove Lane, asked if it is up for consideration that the road would go through and connect to Willow Grove Lane. Mr. Nay replied that that topic is not up for consideration tonight because there is not a formal proposal for development before us.

The public comment portion for this agenda item was closed.

Mr. Markham stated that he lives in the area and is familiar with the layout and that he is confident that City Staff will look at this property and work with the developer to come up with a plan that is a good compromise for all the parties involved. Staff will work with the developer to find the best way for traffic flow.

Phil Markham made a motion to send a positive recommendation to the City Council for the proposed Zoning Map designation for the property located at 871 West Tripp Lane from A-1, Agricultural to R-1-8, Single-Family Low Density Residential.

Seconded by Ms. Milkavich.

Call vote recorded by Mr. Hall.

 A Phil Markham
 A Lisa Milkavich
 A Maren Patterson
 A Scot Woodbury
 A Travis Nay

Motion passed 5-0

MURRAY CENTRAL STATION SMALL AREA PLAN – Consideration for adoption as an amendment to the Murray City General Plan.

Mr. Hall presented the proposed amendment the Murray City General Plan that was originally adopted in 2017 and will include the Small Area Plan. The Small Area plan was reviewed by the Planning Commission and they forwarded a recommendation of Approval to the City Council for approval in February of 2019. When presented to the City Council they stated they liked the plan but suggested it should be adopted as an Amendment to the General Plan as opposed to adopting the plan as a separate document. The notices for this Public Hearing were sent out to over 1000 property owners in the vicinity. The City worked with a consultant to go through the plan, but the plan itself was prepared using a grant from the Wasatch Front Regional Council as a part of the Transportation Land Use Connection Grant Program. The study is comprised of a large area surrounding the Murray Central Station and was an area that was identified by the 2017 Murray City General Plan as an area that would benefit from a more in-depth study. The Murray Central Station is unique in that it is the only intersecting location in Murray and outside Salt Lake City proper where both the Trax and FrontRunner stop at one station. This area is close to the hospital, mixed-use areas and the Murray City downtown where we hope to see redevelopment occurring. The Steering Committee and the consultants group identified the purpose of the project by assessing the built environment and

the development conditions which in turn gave the City a better understanding of what could and could not be done in this area and how to move forward. It also provided a better idea of the physical and environmental implications of the Smelter Site Overlay District. The study assesses the market potential and possibilities of creating a Mixed-Use Transit District in our emerging urban center. We are also able to better understand the connection and access to and from the station area for vehicles, transit and active transportation. Finally, to provide policies and ideas to ensure the future planning and development is based on a good understanding of those conditions and our opportunities. The guiding principals that resulted from the study are to align the planning and design of the station area with the Murray City General Plan vision. In short, the station has not had a lot of connection to the community around it. Murray City used the study results to provide U.T.A. with information that they can use when they eventually redevelop the station and optimally it will relate to Murray better than it does now. The study identified that the correct zoning is in place, but the walkability infrastructure is not in place. The study did call out that Vine Street needs to be changed to accommodate transit needs more efficiently. If we implement the correct principals to develop an iconic station, as it is unique among the other transit stations because it is larger and carries much more volume than other stations, then we could create a place where people come and stay instead of just pass through. Mr. Hall reviewed the Smelter Site Overlay District and stated that this area has environmental contamination constraints for developing. When you have a transit center the best use nearby is high density housing. The smelter site is so close to the Murray Central Station that it makes future residential development impossible. The residential uses are now getting pushed away from the station just a little bit further out into other zones, but we still have them nearby. Other key findings show that the Murray Central Station could be completely redesigned to fit the needs of the nearby constraints. The adjacent IHC Hospital is not going to take part in the future planning of this area. IHC is not ready to comment on what future development might look like for them because the land they own is so heavily contaminated that they may only be able to build parking structures or office buildings. There are a lot of development possibilities on the outlying fringe of the Murray Central Station. The economic analysis of the study area showed that there are 12,298 jobs here and that only 66 people live and work in the area. There are 40,803 jobs in Murray and only 2,954 people live and work in Murray. There are a lot of people coming in and leaving the Murray area that have the potential to use the Murray Central Station. The Study produced two different example plans for the Murray City Central Station which were presented to U.T.A. As a result, the U.T.A. board recently adopted the plan. City staff recommends that the Planning Commission forward a recommendation of approval to the City Council for adoption of the Murray Central Station Small Area Plan as an amendment to the General Plan.

Mr. Markham commented that several times in the presentation there is talk about giving U.T.A. ideas and principles to follow and asked if they are under any kind of obligation to follow them. Mr. Hall replied that they own a lot of property in the area and they can build or partner with whomever they choose for future development. U.T.A. is the private owner of that land but the difference with them is that they have a traditional willingness to work with Murray City on how to plan future development of the area. This type of development around the station is currently being implemented by U.T.A. in other cities but, it is a few years away from being established in Murray City.

The meeting was opened for public comment on this item.

Rosala Dominguez, 4866 South Center Street, asked how many people live in Murray that are employed by IHC. Mr. Nay stated that IHC employees roughly 5,000 people and it is unknown

how many of those people live in Murray. Ms. Dominguez encouraged the City to look into providing housing near the hospital and wondered how many years it would take to clean up the Smelter site before we can build houses on the land. Staff indicated that homes would not be built on the smelter site in the future. Ms. Patterson stated that there is currently multi-family housing being built very close to the Station and the hospital. Ms. Greenwood stated that the E.P.A. made the decision that homes would never be able to be built on the smelter site however, the record of decision could be amended to change it, but that process is very lengthy. Ms. Milkavich stated that the land is private property and we can't force them to do anything, and the City is most likely not going to be involved in redeveloping it independently or be supportive of a private developer who wishes to develop it into homes.

Mary West, 91 West Washington Avenue, stated that she tried to ride TRAX to work and it was difficult to cross 5300 South by Woodrow Street and she is concerned that others are trying to cross here because it's dangerous. Ms. West suggested a bridge should be built to cross over 5300 South.

Shauna Burnett, 46 West Woodrow Street, asked if the suggested amenities are going to be built in the area only around TRAX or will they encroach into her neighborhood by Woodrow Street. Mr. Nay stated that this study is limited to the area in highlighted in orange as highlighted on the overhead screen.

DeLynn Barney, 4902 South Box Elder Street, stated that he notices IHC employees park their personal vehicles in the UTA parking lot and then go over to work. Mr. Barney wondered how many of the IHC employees park in the UTA parking lot and if more developments go in around this area how much would it impact parking and traffic. Mr. Barney added that Box Elder is classified as a bike corridor and that there are not any sidewalks on this street. Cars park on both sides of the street which creates a hazard for cars and people who travel on this road and that there is not enough room to add a bike lane. Mr. Barney continued to explain that the frontage of his property does not have enough room to add trees to the park strip and that area belongs to him and does not want anybody else's trees in his park strip. Mr. Barney mentioned concerns that his property has boundary line issues and that somebody once tried to use his drive way as an access to the neighboring business and that it's his driveway and there needs to be some consideration for his property before any development goes forward in his area. Mr. Barney reiterated his concerns about the traffic, trees in the park strip, bicycles going back and forth in front of his house creating a health hazard.

The public comment portion for this agenda item was closed.

Mr. Hall addressed the public comments and stated that the Small Area Study presented tonight is not a development plan and that the trees depicted in front of Mr. Barney's home are not a plan to put trees there, it's an illustration. This is not a development plan proposed for UTA to develop, they are concepts contained in an illustration. Mr. Hall stated the boundary concerns that Mr. Barney mention have been well documented by Staff and we are well aware of them.

Mr. Markham made a motion to send a recommendation of approval to the City Council for the adoption of the Murray Central Station Small Area Plan as an amendment to the Murray City General Plan.

Seconded by Mr. Markham.

Call vote recorded by Mr. Hall.

A Scot Woodbury
A Phil Markham
A Maren Patterson
A Lisa Milkavich
A Travis Nay

Motion passed 5-0

LAND USE ORDINANCE TEXT AMENDMENT – Discussion Item – Short-Term Rentals #19-092

Mr. Hall presented slides for the open discussion about Short-Term Rentals. Mr. Hall explained that this agenda item is not a proposed Text Amendment at this time, but the City has had requests for the use. After we receive input from the Planning Commission, Staff will use it as a starting point to talk to the Mayor's Office and City Council to determine if adopting an ordinance to allow Short-Term Rentals might be appropriate for residential zones. Mr. Hall explained that a Short-Term Rentals are uses like AirB&B, and VRBO that usually rent less than 30 days. This rental term is not currently allowed in Murray City except for in Commercial Zones. There are Cities that are allowing Short-Term Rentals and Cities that are prohibiting them. Murray City has prohibited it because there are not many people who want to rent a home for more than 30 days in a Residential Zone. That being said we do have unlicensed Short-Term Rentals currently operating in the City. The City receives numerous complaints about Short-Term Rentals in neighborhoods which cause issues and we have to send Code Enforcement out to deal with them. Mr. Hall explained that under Utah State Code we are not allowed to find them and prosecute them for operating an unpermitted Short-Term Rental if the only way we know about it is through an online listing. We have to receive an additional complaint to enforce any violations. Mr. Hall explained some of the known negative impacts that Short-Term Rentals can pose such as parking, late night noise, and trash. Some Short-Term Rentals are run very well but they do have the potential to cause negative impacts. They can negatively impact service jobs in the area for hotels and employees, although statistics tend to state they don't have a major impact on them. Without Short-Term Rental regulation there is the potential to have loss of tax or licensing revenues. Mr. Markham stated that he briefly studied this topic for this discussion and explained that he has not seen a lot of positive impact for the neighborhood and environments they occupy. They may have a positive effect on the people who want to make money from the Short-Term Rental use, but he believes it would be hard to prove what benefit a residential neighborhood would gain from this type of activity. If the City chooses to regulate them, then we are going to have to enforce them as well and it is known that we do not enforce regulations to the degree that they need to be done. Mr. Hall stated that one challenge is how to regulate them, and can we back it up with the Staff and time it requires.

Mr. Hall stated that we need to identify what the objectives are for Murray City and find out what the reasons are for why we would want to allow Short Term Rentals. In towns like Park City, for example, it may be beneficial because of their community and tourist industry. Sandy has adopted an ordinance and it contains a lot of enforcement regulations that seem really difficult to enforce. Mr. McNulty added that one of their regulations require the unit has to be owner occupied and that is the key. Mr. Nay stated that he is curious to know how a new ordinance would interact with the current Accessory Dwelling Units that do not allow Short-Term Rentals. Mr. Hall suggested that we keep Accessory Dwelling Units (ADU'S) because the purpose of ADU's was to create additional opportunities for housing, not for increasing the income of a person who owns a house. However, we do realize the need for an aging population to be able to stay in a house and age in place. The biggest concern with allowing

Short-Term Rentals is that it seems to undercut affordable housing, such as seen in New Orleans and New York City. The industry seems to state that the reason Cities are not allowing them is because it undercuts hotel business, but the wider opinion among Planners is that it undercuts affordable housing efforts, especially in Cities like Los Angeles, New York, San Francisco and now Salt Lake City.

Mr. Hall outlined some objectives for Murray City in which we may allow Short Term Rentals and he encouraged the Commissioners to listen to them and then provide their own input in an open discussion dialogue. Mr. Hall stated that Murray City would like to maximize the ability of affordable housing options, if we did allow Short-Term Rentals, we would want to require them to be owner occupied. If ADU's are a better option, then maybe we would limit the number of days that units could be rented short-term. Limiting the number of days is hard to enforce because you can't get the data from the companies. The City's goal would be to limit the erosion of Communities, for example there are entire segments of New Orleans that have gone to short-term rental and they are all owned by out-of-state interests. It makes it difficult to find a place to live in those communities. It is known that people will buy a property sight unseen and then turn it over to a property management company and there is no interest in the community in which they run their business. The question we have to ask is, how Short-Term Rentals relates to Murray, are they the kind of use that the City wants, is there a demand for them, and do they relate at all?

Mr. Nay asked if Short-Term Rentals might make sense in an area such as around the hospital or in our downtown district; however, we need to retain the affordable housing in the downtown area. Mr. Nay asked what kind of standards would be set, such as can somebody rent a room, couch in a house or a tent in a back yard for a night? Mr. Hall stated that we would want to regulate those types of accommodations. Ms. Milkavich stated that during the Olympics many people rented their homes and maybe they could be allowed to rent during special events. Mr. Hall stated that there are many angles to consider and to come up with different ideas so they can be discussed in a future meeting.

Mr. Woodbury asked if we are going to put an ordinance in place for this no matter what. Mr. Hall answered that the City is going to get a request to amend the code. The potential applicant knows that we want to have a conversation about it, but it is anticipated that an application will be forthcoming. Mr. Woodbury stated that his concern is that people are renting anyway, and we don't have the Staff to enforce any sort of regulation that we make. Mr. Hall added that we would enforce homeowner residency, just like we do for ADU's. Mr. Woodbury stated that he would like to see ordinances from other Cities that are allowing Short-Term Rentals to see how they are doing it. Mr. Hall stated that Staff did look at other Cities and it almost seems like an allowed or disallowed situation. The topic we want to explore is if we want to keep it the same and prohibit it, or do we want to want to open it up for licensing and if so, how far can we go with licensing to pay to enforce those codes. Other Cities are basing the allowance on enforcement. Mr. Woodbury commented that he would like to see data from a City that has instituted licensing and if it generated enough revenue to hire somebody to enforce it and if it is working. Mr. Hall wondered if there was a general consensus among the Commissioners about what they would like to see and then Staff can look for Cities who do similar things to present information about them. Mr. Woodbury stated that it's already happening in our City and that he is totally open to looking at any ordinance but believes none of our requirements are enforceable. Mr. McNulty stated that he recently became aware of an AirB&B in Murray where the Police Department was called to the home six times in one evening. Calls like that have an impact on our City resources and some other Cities have put fines in place that increase for each occurrence. We could also institute a

Special Use Permit that is processed at an administrative level, because we may not be able to handle every application through the Planning Commission. It has also been seen that some Cities require the contact information of the homeowner to be on file at all times in case of an emergency or police situation like we just encountered. All the input tonight has provided great information and they are all valid points. Mr. Hall stated that Staff will look into the fees and conduct benchmarking from other Cities and bring back information. Several Commissioners commented that requiring the owner to reside at the property would help many foreseeable problems.

OTHER BUSINESS

Mr. Markham made a motion to adjourn. Seconded by Mr. Woodbury.

Motion passed 5-0

The meeting was adjourned at 8:51 p.m.



Jared Hall, Supervisor
Community and Economic Development